

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**FILED**  
HARRISBURG, PA  
DEC 08 2022  
*[Signature]*  
DEPUTY CLERK

<b>UNITED STATES OF AMERICA</b>	:	<b>CR. NO. 1:22-CR-407</b>
	:	
v.	:	<b>(Judge Kane)</b>
	:	
	:	<b>(Magistrate Judge Carlson)</b>
<b>JAMES COCCAGNA</b>	:	

**REPORT AND RECOMMENDATION**

The defendant appeared before me on this date and entered a plea of guilty to Count 1 of the Information. Pursuant to Rule 11 of the Federal Rules of Criminal Procedure, the court conducted a full colloquy with the defendant and has determined the following:

1. That the defendant is fully competent and capable of entering an informed plea;
2. That the defendant is aware of the nature of the charges and the consequences of the plea;
3. That the plea of guilty is a knowing and voluntary plea;
4. That the plea is supported by an independent basis in fact containing each of the essential elements of the offense;
5. That no promises have been made to the defendant beyond those set forth in the plea agreement and discussed in open court and no one has threatened the defendant to induce the entry of a guilty plea.

On the basis of the foregoing, it is recommended that the court enter an Order adjudging the defendant guilty of the offense, subject to the court's right to reject the

plea agreement at sentencing pursuant to Rule 11(c)(1)(C). By a separate Order, a pre-sentence investigation was ordered with disclosure of the pre-sentence report to the parties on or before February 1, 2023.

The parties are further placed on notice that pursuant to Local Rule 72.3:

Any party may object to a magistrate judge's proposed findings, recommendations or report addressing a motion or matter described in 28 U.S.C. § 636 (b)(1)(B) or making a recommendation for the disposition of a prisoner case or a habeas corpus petition within fourteen (14) days after being served with a copy thereof. Such party shall file with the clerk of court, and serve on the magistrate judge and all parties, written objections which shall specifically identify the portions of the proposed findings, recommendations or report to which objection is made and the basis for such objections. The briefing requirements set forth in Local Rule 72.2 shall apply. A judge shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made and may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The judge, however, need conduct a new hearing only in his or her discretion or where required by law, and may consider the record developed before the magistrate judge, making his or her own determination on the basis of that record. The judge may also receive further evidence, recall witnesses or recommit the matter to the magistrate judge with instructions.

Submitted this 8<sup>th</sup> day of December 2022.

s/Martin C. Carlson

Martin C. Carlson

United States Magistrate Judge